IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 7TH FEBRUARY 2002 / 18TH MAGHA, 1923

WP(C).No. 8836 of 2006(B)

PETITIONER:

SHIJI.C.S., W/O.ASOKAN,
AGED 28 YEARS, HIGH SCHOOL ASSISTANT (NATURAL SCIENCE) MUGHATHALA GRAMODHARANA TRUST HIGH SCHOOL MUGHATHALA, KOLLAM, RESIDING AT VARILVEEDU, KALAKKODE P.O., BOOTHAKULAM, KOLLAM.

BY ADV. SRI.M.R.HARIRAJ
SMT.REKHA VASUDEVAN
SRI.SURAJ.S.
SRI.P.A.KUMARAN
SMT.VINEETHA B.
SRI.JAMES ABRAHAM (VILAYAKATTU)
SRI.P.ABANI
SRI.K.R.AVINASH (KUNNATH)

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT EDUCATIONAL OFFICER, CIVIL STATION, KOLLAM.**

3. **THE HEADMASTER, MUGHATHALA GRAMODHARANA TRUST HIGH SCHOOL, MUGHATHALA P.O., KOLLAM.**

ADDL.R4 IMPLEADED.

ADDL.R4. DEPUTY DIRECTOR OF EDUCATION, KOLLAM.

ADDL.4TH RESPONDENT IMPLEADED AS PER ORDER DT.5.6.06 IN IA,5589/06.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 8836/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPOINTEMENT ORDER DT. 1.11.01 OF THE PETITIONER.

EXT.P2:- COPY OF THE ORDER DT.1.4.03 AS.120/02 OF THIS HONOURABLE COURT.

EXT.P3:- COPY OF THE ORDER DT.1.4.03 IN AS.120/02 OF THIS HONOURABLE COURT.

EXT.P4:- COPY OF THE ORDER DT.31.3.04 IN IA.1073/04 IN AS./120/02 OF THIS HONOURABLE COURT.

EXT.P5:- COPY OF THE APPOINTEMENT ORDER DT.2.6.04 ISSUED BY THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE DISCHARGE SUMMARY ON 30.12.05.

EXT.P7:- COPY OF THE APPLICATION FOR HALF PAY LEAVE MADE BY THE PETITIONER.

EXT.P8:- COPY OF THE REPRESENTATION DT.15.12.05 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P9:- COPY OF THE ORDER DT.3.1.06 IN WP(C) 69/06 OF THIS HONOURABLE COURT.

EXT.P10:- COPY OF THE ORDER NO.B4/2784/03 DT.6.2.06 ISSUED BY THE 2ND RESPONDENT.

EXT.P11:- COPY OF THE JUDGMENT IN WP(C) NO.23137/05 DT.3.2.06 OF THIS HONOURABLE COURT.

EXT.P12:- COPY OF THE APPEAL DT.6.4.06 SUBMITTED BY THE PETITIONER TO THE DEPUTY DIRECTOR OF EDUCATION , KOLLAM.

/TRUE COPY/

tss

K.M.JOSEPH, J.

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WP.(C) No.8836 OF 2006

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Dated this the 7th day of February, 2007

JUDGMENT

Petitioner challenges Ext.P10. Ext.P10 is an order passed by the DEO. The claim of the petitioner was to treat her leave as half-pay leave. It was refused by the DEO. The remedy of the petitioner lies under Rule 92 Chapter XIVA KER.

2. Heard Government Pleader also.

The writ petition is disposed of as follows:

If the petitioner files a revision petition under Rule 92 Chapter XIVA KER within a period of three weeks from today, a decision will be taken by the first respondent in accordance with law after hearing the petitioner and any other affected party within a period of two months from the date of receipt of a copy of this judgment. I leave open the contentions of the petitioner.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.